

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

G&G CLOSED CIRCUIT EVENTS, LLC,  
as Broadcast Licensee of the September 16, 2017  
Gennady Golovkin v. Saul Alvarez IBF World  
Middleweight Championship Fight Program,

Plaintiff,

**V.**

Civil Action No. 7:20-cv-00274

- 1) CITY OF DONNA, TEXAS, individually, and d/b/a DONNA MAIN SQUARE PARK;
- 2) MARISSA OZUNA, individually; and
- 3) JOSE ERNESTO LUGO, individually,

Defendants.

**PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT  
(SOLELY AS TO DEFENDANT CITY OF DONNA, TEXAS)**

Pursuant to FED. R. CIV. P. 55(a), Plaintiff G&G Closed Circuit Events, LLC (“Plaintiff”) requests the Court or the Clerk to enter the default of Defendant City of Donna, Texas, individually, and d/b/a Donna Main Square Park (“Defendant City of Donna”).

## PROCEDURAL HISTORY

1. On September 14, 2020, Plaintiff filed *Plaintiff's Original Complaint* against Defendant City of Donna. *See* [Doc. 1].

2. Defendant City of Donna was served on October 16, 2020. *See* [Doc. 8].

3. Pursuant to FED. R. CIV. P. 4(d) and 12, Defendant City of Donna was required to answer or otherwise respond to the Complaint within twenty-one days after receipt of the service documents.

COMMUNICATIONS BETWEEN PLAINTIFF AND DEFENDANT

4. To date, Defendant City of Donna has not filed an answer or any other responsive pleading with the Court. Further, Defendant City of Donna has not made an appearance in this case and failed to appear at the initial pretrial conference on January 6, 2021. Furthermore, no one has contacted Plaintiff on behalf of Defendant City of Donna. Defendant City of Donna has not contacted Plaintiff, nor has Plaintiff been in contact with Defendant City of Donna or anyone on behalf of Defendant City of Donna concerning this lawsuit.

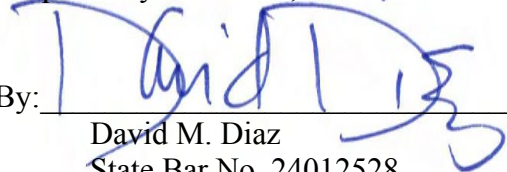
AUTHORITY

5. Pursuant to FED. R. CIV. P. 55(a), "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided in these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default."

6. *Plaintiff's Request for Entry of Default* is supported by the *Declaration of David M. Diaz* which is attached hereto as Exhibit "A."

7. For the reasons presented in *Plaintiff's Request for Entry of Default (Solely as to Defendant City of Donna, Texas)*, Plaintiff requests the entry of Defendant City of Donna's default.

Respectfully submitted,

By: 

David M. Diaz  
State Bar No. 24012528  
Southern District Bar No. 889588  
[david@diazlawtx.com](mailto:david@diazlawtx.com)

LAW OFFICES OF DAVID DIAZ, PLLC  
825 Watters Creek Blvd., Building M, Suite 250  
Allen, Texas 75013  
(972) 996-4588 – Telephone

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 7<sup>th</sup> day of January, 2021, I served a copy of this document to the other defendants via ECF and mailed by United States Postal Service a copy of this document to the following non-CM/ECF participant:

City of Donna, Texas  
c/o City Manager, Carlos Yerena  
307 S. 12<sup>th</sup> Street  
Donna, Texas 78537

VIA U.S. FIRST CLASS MAIL & CERTIFIED MAIL,  
RRR (7020 2450 0001 9601 6395)

City of Donna, Texas  
c/o Mayor, Rick Morales  
307 S. 12<sup>th</sup> Street  
Donna, Texas 78537

VIA U.S. FIRST CLASS MAIL & CERTIFIED MAIL,  
RRR (7020 2450 0001 9601 6401)

DEFENDANT CITY OF DONNA

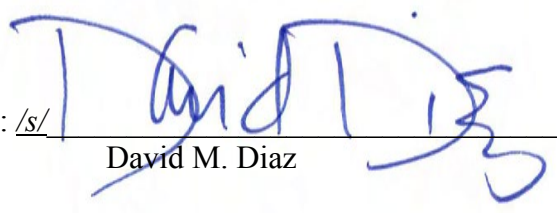
Damian C. Orozco  
Law Offices of Damian C. Orozco, P.C.  
1138 East Expressway 83, Suite C  
Pharr, Texas 78577

VIA ECF

COUNSEL FOR DEFENDANTS  
MARISSA OZUNA & JOSE ERNESTO LUGO

By: /s/

David M. Diaz



# **EXHIBIT “A”**

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## DECLARATION OF DAVID M. DIAZ

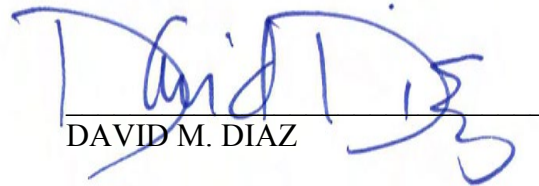
My name is David M. Diaz. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and within my personal knowledge. I am more than 21 years of age; I am of sound mind; and I am competent to make this declaration and to testify to the truthfulness of the matters stated herein.

1. I am an attorney licensed to practice law in the State of Texas and am the attorney representing G&G Closed Circuit Events, LLC (“Plaintiff”) in this lawsuit. I have reviewed the Court’s Case Management/Electronic Case Filing (CM/ECF) PACER Docket Sheet, most recently on January 6, 2021 in the case docketed under Civil Action No. 7:20-cv-00274.

2. As of the date of this declaration, Defendant City of Donna, Texas, individually, and d/b/a Donna Main Square Park (“Defendant City of Donna”) has not served any answer or other responsive pleading to Plaintiff.

3. I have not communicated with Defendant City of Donna in this case prior to the filing of Plaintiff's request for entry of default judgment. I have not talked with anyone on behalf of Defendant City of Donna. And no one on behalf of Defendant City of Donna has contacted me about Defendant City of Donna or about this case.

Executed within the United States, at Lucas, Texas, on January 6, 2021.



DAVID M. DIAZ